

## Staff's Proposed Amendments to the Consumer Products Regulation April 26, 2000

Staff is proposing amendments to title 17, CCR, sections 94508, 94509, 94512, and 94513 of the consumer products regulation. This document shows the staff's proposed modifications. Only those portions containing the proposed amendments are included. The proposed amendments are shown in ~~bold strike-out~~ to indicate proposed deletions and double-underlined to indicate proposed additions. For your information, previous amendments made during the rulemaking for Midterm Measures 2 have not yet been formally approved by the Office of Administrative Law. The amendments are identified herein by underline for proposed additions and ~~strikeout~~ for proposed deletions.

*Amend section 94508(a)(1) and (a)(29) and add (a)(3), (a)(84), (a)(118), and (a)(134) to read as follows:*

- (1) "Adhesive" means any product that is used to bond one surface to another by attachment. "Adhesive" does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For "Contact Adhesive," "Construction, and Panel, and Floor Covering Adhesive," and "General Purpose Adhesive" only, "adhesive" also does not include units of product, less packaging, which weigh more than one pound ~~or~~ and consist of more than 16 fluid ounces. This limitation does not apply to aerosol adhesives. **For the purpose of this article, "Aerosol Adhesive" means an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment.**
- (3) "Aerosol Adhesive" means any adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment. Aerosol adhesives include special purpose spray adhesives, mist spray adhesives, and web spray adhesives.
- ~~(30029)~~ "Consumer Product" means a chemically formulated product used by household and institutional consumers including, but not limited to, detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products; but does not include other paint products, furniture coatings, or architectural coatings. As used in this article, the term "consumer product" shall also refer to aerosol adhesives, including aerosol adhesives used for consumer, industrial, and commercial uses.

(84) "Mist spray adhesive" means any aerosol adhesive which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

(118) "Special Purpose Spray Adhesive" means an aerosol adhesive that meets any of the following definitions:

(A) "Mounting adhesive" means an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork.

(B) "Flexible vinyl adhesive" means an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into an adhesive to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data.

(C) "Polystyrene Foam Adhesive" means an aerosol adhesive designed to bond polystyrene foam (e.g. Styrofoam®, expanded polystyrene foam, etc.) to substrates.

(D) "Automobile Headliner Adhesive" means an aerosol adhesive designed to bond together layers in motor vehicle headliners.

(E) "Polyolefin Adhesive" means an aerosol adhesive designed to bond polyolefins (e.g. polyethylene, polypropylene, etc.) to substrates.

(F) "High Pressure Laminate Adhesive" means an aerosol adhesive designed for the touch-up, repair, or edgebonding of high pressure laminates. For the purposes of this definition "high pressure laminate" means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding 265 degrees F, and at pressures between 1,000 and 1,400 psi.

(134) "Web Spray Adhesive" means any aerosol adhesive which is not a mist spray adhesive or special purpose spray adhesive.

Amend section 94509(a) to read as follows:

**Table of Standards  
Percent Volatile Organic Compound by Weight**

Product Category	Effective Date <sup>1</sup>	VOC Standard <sup>2</sup>
Adhesives *: aerosol [See 94509(i), <u>94512(d)</u> , and <u>94513(d)</u> for additional requirements that apply to aerosol adhesives.] **	1/1/95 <u><b>1/1/2002</b></u>	75 <u><b>25</b></u>
<u>Mist Spray Adhesives</u>	<u>1/1/2002</u>	<u>65</u>
<u>Web Spray Adhesives</u>	<u>1/1/2002</u>	<u>55</u>
<u>Special Purpose Spray Adhesives</u>		
<u>mounting and flexible vinyl adhesives</u>	<u>1/1/2002</u>	<u>70</u>
<u>polystyrene foam and automobile headliner adhesives</u>	<u>1/1/2002</u>	<u>65</u>
<u>polyolefin and high pressure laminate adhesives</u>	<u>1/1/2002</u>	<u>60</u>
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construction, and panel, and floor covering***	1/1/95 <u>12/31/2002</u>	40 <u>15</u>
-----	-----	-----
contact	1/1/95	80
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general purpose	1/1/95	10
=====	=====	=====
* See section 94510(i) for an exemption that applies to adhesives sold in containers of one fluid ounce or less.		
** <del>The Board will hold a public hearing by June 1, 2000, to review and consider any appropriate modifications to the 25 percent VOC limit for aerosol adhesives.</del>		
*** See section 94509(k) for the effective date of the VOC limit for certain types of "construction, panel, and floor covering adhesives."		

<sup>1</sup> See section 94509(d) for the effective date of the VOC standards for products registered under FIFRA, and section 94509(c) for the "Sell-through" allowed for products manufactured prior to the effective date of standards.

<sup>2</sup> See section 94510(c) for an exemption that applies to fragrances in consumer products, and section 94510(d) for an exemption that applies to LVP-VOCs.

*Amend section 94509(i) to read as follows:*

(i) *Requirements for aerosol adhesives.*

(1) As specified in Health and Safety Code section 41712(h)(2), the **75 percent VOC standard** standards for aerosol adhesives ~~applies~~ to all uses of aerosol adhesives, including consumer, industrial, and commercial uses. Except as otherwise provided in sections 94510, 94511, and 94514, no person shall sell, supply, offer for sale, use or manufacture for sale in California any aerosol adhesive which, at the time of sale, use, or manufacture, contains VOCs in excess of **75 percent by weight** the specified standard.

(2)(A) In order to qualify as a "Special Purpose Spray Adhesive" the product must meet one or more of the definitions specified in section 94508(a)(118), but if the product label indicates that the product is suitable for use on any substrate or application not listed in section 94508(a)(118), then the product shall be classified as either a "Web Spray Adhesive" or a "Mist Spray Adhesive."

(B) If a product meets more than one of the definitions specified in section 94508(a)(118) for "Special Purpose Spray Adhesive", and is not classified as a "Web Spray Adhesive" or "Mist Spray Adhesive" under subsection (2)(A), then the VOC limit for the product shall be the lowest applicable VOC limit specified in section 94509(a).

(3) Effective 1/1/2002, no person shall manufacture for use in California any aerosol adhesive which contains any of the following compounds: methylene chloride, perchloroethylene, or trichloroethylene.

(4) All aerosol adhesives must comply with the labeling requirements specified in section 94512(d), and all manufacturers and responsible parties for aerosol adhesives must comply with the special reporting requirements specified in section 94513(d).

*Amend section 94512 to add a new subsection (d), as follows:*

(d) Additional Labeling Requirements for Aerosol Adhesives.

(1) In addition to the requirements specified in subsections (a), (b) and (c), effective 1/1/2002, both the manufacturer and responsible party for each aerosol adhesive product subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured 90 days or later after the effective date of this article:

(A) The aerosol adhesive category as specified in section 94509(a) shall be displayed:

(B) 1. The applicable VOC standard for the product that is specified in section 94509(a), expressed as a percentage by weight, shall be displayed unless the product is included in an alternative control plan approved by the Executive Officer, as provided in Article 4. Section 94540-94555, Title 17, California Code of Regulations, and the product exceeds the applicable VOC standard;

2. If the product is included in an alternative control plan approved by the Executive Officer, and the product exceeds the applicable VOC standard specified in section 94509(a), the product shall be labeled with the term "ACP" or "ACP product";

(C) If the product is classified as a special purpose spray adhesive, the applicable substrate and/or application that qualifies the product as special purpose shall be displayed;

(2) The information required in section 94512(d)(1), shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging.

(3) No person shall remove, alter, conceal, or deface the information required in section 94512(d)(1) prior to final sale of the product.

*Amend 94513(d) to read as follows:*

(d) Special Reporting Requirements for Aerosol Adhesives

On or before March 31, ~~1999~~2004, all responsible parties for aerosol adhesives shall report to the Executive Officer the following information for products sold or offered for sale in California:

- (1) data regarding product sales and composition for the year ~~1998~~2003, including the information listed in Section 94513(a), and any other information that the Executive Officer may specify; and
- (2) a written update of the research and development efforts undertaken to achieve the January 1, 2002, VOC limits lower than the limits specified in section 94509(a). The written update must include detailed information about the raw materials (solvents, propellants, resins, and polymers) and hardware (valves, actuators, cans) used in product reformulation, the testing protocols used, the results of the testing, and the cost of reformulation efforts.